

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

January 25, 2011

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance, Harold “Hal” Epperson, Susan Schaefer Kliman, David Komm, Howell “Chip” Shay, Erick Weiland, John Willett, Robert Stanley LeRoy Brady, and Douglas Folk Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Manuel Maltos, and Patricia Sandino. Mona Baskin, Assistant Attorney General. Absent: Lisa Vardian
3. **CALL TO THE PUBLIC** – Tina Litteral, Executive Vice President, of the American Institute of Architects of Arizona, (“AIA”), presented a report on the Interior Designer Bill.
4. **MINUTES**
 - A. Approve, Modify and /or reject the December 21, 2010 minutes. Mr. Komm moved to adopt the December 21, 2010 minutes. Dr. Schaefer Kliman requested a minor change. Mr. Komm moved to amend the minutes and motion to include the correction. Mr. Stanley seconded, motion carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

 - A. Proposed Dismissals
 1. M09-110, Kevin P. Gilbert, Land Surveyor #14181 – Mr. Epperson moved to accept Staff recommendation to dismiss the case. Mr. Weiland seconded. After discussion, motion carried.
 - B. Proposed Letters of Concern
 1. M09-102, Kevin P. Gilbert, Land Surveyor #14181 – Mr. Epperson, moved to issue a Letter of Concern to Respondent for failing to conduct the survey in accordance with the Minimum Standards of Arizona Land Boundary Survey. Mr. Komm seconded. After discussion, motion carried.
 2. M11-002, Carlos Padilla, Land Surveyor #46474 – Mr. Epperson, moved to issue a Letter of Concern to Respondent for failing to check the accuracy of the contract before submitting it to his client. Mr. Willett seconded.

After discussion, motion carried. Votes: Aye: Stanley, Brady, Weiland, Komm, Epperson, and Shay; Nay: Folk, Kliman, and Willett.

3. M11-013, John D. Reese, P.E. (Electrical) #30698—Mr. Folk recused himself, citing a conflict of interest. Mr. Komm moved to issue a Letter of Concern to Respondent for submitting a professional document to his client that was not signed, dated, sealed or marked “preliminary,” “draft”, or “not for construction.” Mr. Weiland seconded. After discussion, motion carried.

C. Review, Discussion, and Consideration

1. M09-066, Abuwandi Engineering Associates – Mr. Folk moved to offer Respondent a Consent Agreement, including a Letter of Reprimand regarding Respondent receiving payment from its client, and not paying Systems Design Engineering for its engineering services within the required time, and for staff to include the cost of the investigation. Mr. Epperson seconded. After discussion, motion carried.
2. M11-004, Leo A. Daly Architects – Mr. Folk moved to issue Respondent a Letter of Concern regarding Respondent receiving payment from its client, and not paying TMAD Taylor & Gaines for its engineering services within the required time. Mr. Folk also recommended to include in the letter the statutes and requirements, and encouraging Respondent to exercise proper care in judgment in their dealings with their consultant. Mr. Epperson seconded. After discussion, motion carried. Mr. Weiland - Nay

D. Discussion and Consideration for Completion of Peer Review Consent Agreement

1. M07-074, William J. Christenson, P.E. (Structural) #34626 – Respondent has not completed the peer review requirements in his Consent Agreement as he has not had any projects that fall within the peer review requirement. Mr. Folk moved to offer Respondent an opportunity to sign an amended Consent Agreement for professional education in structural engineering that involves basements or to continue with the peer review requirements. Mr. Stanley seconded. After discussion, motion carried.
2. M06-278, John F. Esquibel, Land Surveyor #37582 – Respondent has not completed the peer review requirements in his consent agreement as he has not had any land boundary survey projects in Arizona. Mr. Epperson moved to offer Respondent an opportunity to sign an amended Consent Agreement for professional education in Boundary Control Legal Principle course or to continue with the peer review requirements. Mr. Folk seconded. After discussion, motion carried.

E. Enforcement Advisory Candidate

1. Dirk D. DeWitt, Landscape Architect #19210 – Mr. Folk recused himself, citing a conflict of interest. Mr. Brady moved to accept Mr. Dirk’s application to be an Enforcement Advisory Committee member. Mr. Stanley seconded. After discussion, motion carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

A. Proposed Consent Agreement

1. HI10-025, Robert A. Vaught, CHI #40688– Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following order: a Letter of Reprimand, Administrative Penalty: Pay administrative penalty in the amount of \$300.00. Open Book Test: Respondent shall take and successfully complete an open book test of the Board's Statutes and Rules within 30 days with a passing score of 100 percent. Costs of Investigation: Pay cost of investigation in the amount of \$160.00. Mr. Komm seconded. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board

8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following:

1. Blair, Shaun, Electrical Engineering Application #101057 – Mr. Blair appeared telephonically and addressed the Board. Mr. Komm moved to approve Mr. Blair's application and grant him registration. Mr. Weiland seconded. After discussion, motion carried.
2. Bonbrake, Terry, EIT Application #100173 – Mr. Bonbrake appeared telephonically and addressed the Board. Mr. Willett moved to approve Mr. Bonbrake's request to take the Fundamentals of Engineering Examination ("FE"). Mr. Folk seconded. After discussion, motion carried.
3. Frey, Jeanette, EIT Application #100148 – Ms. Frey was present and addressed the Board. Mr. Willett moved to approve Ms. Frey's application and grant her Engineer-in- Training designation. Mr. Komm seconded. After discussion, motion carried.
4. Goldberg, Lawrence, Architect Application #101171 – Mr. Goldberg was present and addressed the Board. Mr. Shay moved to approve Mr. Goldberg's application and grant him registration. Mr. Kliman seconded. After discussion, motion carried.
5. Vossmeier, Thomas, Civil Engineering Application #101168 – Mr. Vossmeier appeared telephonically and addressed the Board. Mr. Willett moved to approve Mr. Vossmeier's application and grant him registration. Mr. Weiland seconded. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

- A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

Gregory Herriman, Architect-in-Training EIT Applicant, #040304 - Mr. Herriman was present and addressed the Board. Dr. Schaefer Kilman moved to have Applicant's name removed from the 9(A)(4) listing. Mr. Epperson seconded. After discussion, motion carried.

Gregory Herriman, Architect –in-Training, EIT Applicant, #040304 - Mr. Stanley moved to close the Applicant's file. Mr. Weiland seconded. After discussion, motion carried.

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Dr. Schaefer Kilman seconded. After discussion, motion carried.

10. POLICY MATTERS

There were no issues for this item.

11. REVIEW, CONSIDERATION, AND POSSIBLE VOTE ON THE FOLLOWING:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled: (List of names available at the Board's office for public review.)

There were no issues for this Item.

- B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board's office for public review.)

Mr. Epperson moved to cancel the certificates listed in 11.B. Mr. Komm seconded, motion carried.

12. DIRECTOR'S REPORT – Executive Director, Mr. Dalrymple advised:

Rule Changes: Rule making activity is still on hold until June 2012.

The Board requested an exemption to the rules moratorium to make changes to 9 rules, including the Meth Lab rules and the architect rule regarding Intern Development Program (“IDP”). The Governor’s office granted the exemption in November 2010. The Board filed a notice of rulemaking with the Secretary of State as the first official step of the rule making process.

The Board will request another exemption from the Governor’s Office to draft the standards for pool and spa inspection, since the legislature approved the Home Inspector Bill that added pools and spas to the Home Inspection Program last session.

Legislative Activities: Four bills have surfaced that would increase the responsibilities of the Board. At this time no hearings have been scheduled for any of the bills.

Finances: The latest estimates for the State Budget shortfall places it in the \$800 million area for this fiscal year. Legislators advised there will have to be additional cuts made to agency budgets to address the shortfall. Next year’s shortfall is estimated at over 1.4 billion dollars.

AS400 Database Computer System: The first phase of the replacement activity has begun. NIC staff has been meeting with our staff members for the last two weeks to identify the staff action taken in each phase of our daily operations to determine what information should be captured within the database program. This phase is estimated at \$81,000.00. The entire system is estimated to cost us approximately \$494,000 over the next two fiscal years.

The Board currently has approximately \$1,000,000 in reserve that needs to be defended from the legislative sweeps. Professional association assistance in protecting those reserves could be very beneficial.

13. BOARD CHAIR'S REPORT

There were no issues for this Item.

14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee (“L&R”) – Dr. Schaefer Kliman reported will be attending the L&R Committee on February 3, 2011.
2. Budget Committee – Nothing new to report.
3. Home Inspector Rules and Standards Committee (“HIRS”) – Mr. Shay reported next Committee meeting is scheduled for February 2, 2011.
4. Environmental Remediation Rules and Standards Committee (“ERRS”) – Mr. Weiland reported he will be attending the ERRS Committee meeting on January 25, 2011.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") Mr. Willett reported that he attended the Civil Engineer Exam Committee meeting in South Carolina. He learned that the Committee meets four times a year. He was not in liberty of disclosing any information discussed at the meeting, due to signing a non disclosure form.

Mr. Willett will be going to the National Council of Examiners for Engineering and Surveying ("NCEES") 2011 Western Zone meeting on May 26 thru 28, 2011 in Spokane, WA.

Mr. Komm will be attending the National Council of Examiners for Engineering and Surveying ("NCEES") meeting schedule on February 11 thru 12, 2011 in Atlanta, GA.

2. National Council of Architectural Registration Boards ("NCARB"). Dr. Schaefer Kliman reported on January 27, 2011, will be attending the Com Six Committee Meeting in Austin, TX. She is also scheduled to attend the 2001 Joint Regional Meeting. She will be representing the National Council of Architectural Registration Boards and Western Council of Architectural Registration Boards ("WCARB").
3. Council of Landscape Architectural Registration Boards ("CLARB"). Melissa Cornelius and LeRoy Brady will be attending the Council Landscape Architectural Registration Board meeting on February 24 through 26, 2011 in Denver CO.
4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland reported he is still working with the association and working on a questionnaire that will go to all the states, to determine exactly what the status is for registering more Geologists. The next ASBOG – Subject Matter Expert (SME), meeting is in April 1 thru 2, 2011.
5. Public Member New/Information – Nothing new to report

16. **FUTURE BOARD MEETINGS** –Tuesday, February 22, 2011 at 9:30 AM.

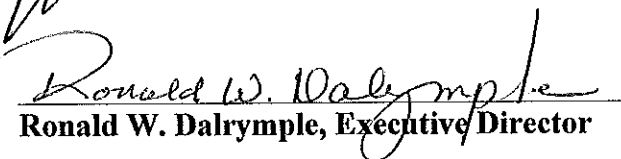
17. **FUTURE AGENDA ITEMS** –

- (1) Continuing Education – To be discussed at the February, 22, 2011, Board Meeting.

18. **ADJOURNMENT** – Meeting adjourned at 11:15 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Howell Lewis Shay, Chairman


Ronald W. Dalrymple, Executive Director